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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

OCT 10 2000

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of

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Revision of the Commission's Rules

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CC Docket No. 94-102,

To Ensure Compatibility with Enhanced

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911 Emergency Calling Systems

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COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby responds to the invitation to comment¹ on the "Petition for Reconsideration of VoiceStream Waiver" filed September 20, 2000 by the Association of Public-Safety Communications Officials-International, Inc. ("APCO"). The waiver allows VoiceStream to pursue on a longer implementation schedule, and with temporarily relaxed accuracy standards, a "hybrid" solution to the Automatic Location Information ("ALI") requirements imposed on wireless carriers by Section 20.18 for delivery of enhanced 9-1-1 emergency calling service. The wireless E9-1-1 ALI rules were most recently revised by the Commission in the Fourth Report and Order in the captioned docket, FCC 00-326, released September 8, 2000. ("Fourth Order")

VoiceStream plans to employ a Network Software Solution ("NSS") and Enhanced Observed Time Difference of Arrival ("E-OTD") techniques in two stages to meet the ALI standards. The first of these is said to use existing terrestrial network capabilities of cellular and PCS phones to provide almost immediately location accuracy of 500 to 1000 meters, better than the cell/sector-based Phase I standard but not up to the 50 or 100-meter thresholds applicable to GPS-assisted (satellite) "handset" solutions or triangulation-based "network" solutions. In the

¹ Public Notice, DA 00-2242, released October 2, 2000.

second stage, E-OTD would require handset software changes and associated terrestrial network upgrades but without modifying hardware or antenna structures. (Fourth Order, paras 53-54) Voicestream claims that it will reach at least the 100-meter/67% network standard and perhaps the 50-meter handset standard at the end of its longer implementation period.

APCO objects to the waiver on both procedural and substantive grounds. First, APCO believes VoiceStream should have filed a “formal” petition refreshing information first submitted in February of 1999 by Aerial Communications. Through its intervening acquisition of Aerial and other companies, APCO notes, VoiceStream now provides PCS in 23 of the nation’s 25 largest markets. A waiver application would have accounted for this new scope and corporate structure, and public comment could have subjected the request to competitive scrutiny. (Petition, 2-4)

APCO takes issue with the Commission’s finding that VoiceStream’s use of the GSM air interface appears to make the chosen NSS/E-OTD approach “one of the only ALI solutions available in the near term.” “There is evidence,” states the Fourth Order, “that the development of ALI capabilities for use by GSM carriers has lagged behind that for carriers using other interfaces that are more widely used in the United States, such as AMPS, CDMA and TDMA.” (para. 56) APCO believes VoiceStream itself has been tardy in its attention to ALI requirements and should not be rewarded for non-compliance. APCO also faults the lack of “documented evidence” on the accuracy of NSS. (Petition, 5)

NENA, APCO and the National Association of State Nine One One Administrators (“NASNA”) stood shoulder-to-shoulder against elongation of the implementation schedule for the GPS-assisted handset solution. (Fourth Order, para. 14) We also argued from common ground in cautioning against the waiver approach that the Commission first proposed as a means

of allowing handset ALI solutions into the marketplace. We are pleased that a more orderly and predictable decision was reached to revise the wireless E9-1-1 rules, and we are gratified that the Fourth Order made relatively minor changes to these rules.

In fact, NENA's chief concern is for stability in the regulatory environment for wireless E9-1-1. Wireless carriers facing an ALI technology choice November 9th (Fourth Order, paras. 78-81), and the vendors with whom they are interdependent, deserve reassurance that the ground will not continue to shift under them. Even more importantly, emergency callers must remain foremost in the minds of all parties. Persons in trouble deserve location solutions that will enable NENA and APCO and NASNA and their responder colleagues to find, identify and assist them. It is time for 9-1-1 reality to match consumer expectations.

We cannot quarrel with APCO's procedural points. Ideally, it would have been better to ask the new VoiceStream to file formally. We also would have preferred that the manufacturers who drove the change in the ALI reliability standard from "RMS" (root mean square) to "CEP" (circular error probability)² file formally instead of using ex parte visits. However, at this point, under the special circumstances of this case, we believe that granting the waiver will move Voicestream into ultimate compliance more quickly and with better results than would be the case if VoiceStream's only alternatives were the existing network and handset solutions

Substantively, we note the submission by VoiceStream October 2nd of the first of its required semi-annual reports on implementation of ALI under the waiver. Without much detail, VoiceStream claims that it "remains on track to develop and deploy NSS throughout its network by the FCC implementation date of December 31, 2001." Semi-Annual Report, 2. With respect

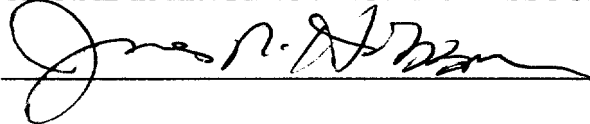
² Third Report and Order, 14 FCC Rcd 17388, 17417-21 (1999).

to E-OTD, an attachment to the Report is similarly upbeat on Stage One of a trial in Houston, the second stage of which is now in progress.

The short of the matter is that NENA would prefer to see VoiceStream get on with implementation under the waiver. The waiver is conditioned on promised progress, and the reports are a means of testing the forward movement. If the conditions aren't met, the waiver can be rescinded. According to NENA members in New Jersey, VoiceStream's predecessor, Omnipoint, essentially broke out ahead of other carriers and implemented Phase I in that state. We hope that will turn out to be a precursor of success under the waiver. And like APCO, we will be watching closely.

Respectfully submitted,

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CERTIFICATE OF SERVICE

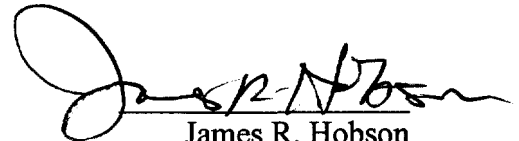
I hereby certify that I have caused to be delivered by first class mail (M) or by hand (H)
today the foregoing "Comments of NENA" to:

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